

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 4, 2006**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of January 4, 2006, was called to order by Mayor Hitchcock at 5:35 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(B) regarding exposure to San Joaquin County for alleged non-compliance with underground storage tank regulations at Municipal Service Center and the old Public Safety Building
- e) Conference with City Manager Blair King (Acting Labor Negotiator) regarding International Brotherhood of Electrical Workers, pursuant to Government Code §54957.6
- f) Public employment – regarding one position – title: Electric Utility Director, pursuant to Government Code §54957

**C-3     ADJOURN TO CLOSED SESSION**

At 5:35 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:50 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:00 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a) through (c), Council approved the next six-month budget with Folger, Levin & Kahn (outside counsel) for prosecution of various actions at \$1.962 million.

In regard to Item C-2 (d), Council approved a \$27,128 settlement agreement with the County District Attorney's Office for alleged noncompliance with underground storage tank regulations at the Municipal Service Center and old public safety building, with the understanding that if the City has the same, or similar, violation in the next three years that an additional \$10,000 fine would be levied.

In regard to Items C-2 (e) and (f), no reportable action was taken in closed session.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of January 4, 2006, was called to order by Mayor Hitchcock at 7:00 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Father Rick Matters, St. John the Baptist Episcopal Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to Patty Radotic, Vice President of the Breakthrough Project, proclaiming January 16, 2006, as Martin Luther King, Jr. Day in the City of Lodi.

D-3 (a) Proclamations commemorating the City's Centennial were presented to Mayor Hitchcock from Jennifer Geigle, representing Congressman Richard Pombo; Ann Jordan, representing Senator Charles Poochigian; and Assemblymember Alan Nakanishi.

Police Chief Jerry Adams presented the City Council with General Order #33 introducing the Police Centennial Badge, which will be the official badge of the Lodi Police Department during 2006.

Vern Weigum representing "Tree Lodi," explained that its purpose was to become the guardian of Lodi's urban forest by preserving its mature trees, planting new trees for future beautification, and maintaining all trees through extensive educational programs.

Steve Dutra, Parks Superintendent, reported that Tree Lodi has offered to assemble volunteer work groups that will plant and steward 100 cork oak trees, which are being planted as part of the Centennial "Growing the Next 100 Years" project. Verbal commitments have been made by the following volunteer groups: Lodi Rotary, Lodi Lions Club, Lodi Garden Club, Lodi and Tokay High Schools Future Farmers of America members, Winegrape Commission, Friends of Lodi Lake, employees of General Mills, Boy Scouts, Temple Baptist Church, and Weigum's Nursery. Tree Lodi will provide a mentor for each work group. The first tree will be planted on February 7 and the majority of the remaining trees will be planted on Arbor Day, April 1.

Carol Meehleis, representing the Lodi Centennial Task Force, introduced Christi Weybret and Irene Wasek, docents of the Micke Grove Historical Society. Ms. Meehleis read a historical statement of an immigrant's first impression of Lodi in the early 1900s.

Tony Segale announced that nine wall murals would be painted over Memorial Day weekend during the "Wall Dogs" event. Mayor Hitchcock presented a Certificate of Appreciation to Tony Segale for his design of the Lodi Centennial logo.

Jacqueline Hamilton unveiled the Centennial banner, following a drum roll by Keith Randles. Mayor Hitchcock then invited the public to join the Council in the lobby to enjoy Lodi's 100<sup>th</sup> year "birthday" cake.

RECESS

At 7:39 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 7:57 p.m.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$2,251,289.10.

- E-2 The minutes of December 7, 2005 (Regular Meeting), December 13, 2005 (Shirtsleeve Session), December 20, 2005 (Shirtsleeve Session), and December 20, 2005 (Special Meeting) were approved as written.
- E-3 Authorized the sale of scrap wire and metal at periodic intervals during calendar year 2006.
- E-4 Adopted Resolution No. 2006-01 approving an extension of the existing contract for Maintenance of Landscape Areas for 2006 for Groups A and C and adding Irrigation Maintenance for Group C to Odyssey Landscape Companies for a total of \$89,866.12.
- E-5 Adopted Resolution No. 2006-02 approving specifications, authorizing advertisement for bids for Maintenance of Landscape Areas for 2006 Group B – Lower Sacramento Road and Adjacent Landscape Areas, and authorizing the City Manager to award or reject the contract up to \$90,000.
- E-6 Adopted Resolution No. 2006-03 accepting the development improvements at 2111 W. Kettleman Lane.
- E-7 Adopted Resolution No. 2006-04 awarding the contract for Water Meter Installation Project to Arrow Construction, of Modesto, and authorizing the City Manager to execute the contract at an estimated cost of \$85,000.
- E-8 “Adopt resolution awarding contract for Water Meter Purchase to Hersey Water Meter Company, of Elk Grove (project est. \$70,000)” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-9 Approved the plans and specifications and authorized advertisement for bids for Elevated Water Tank Recoating Project.
- E-10 “Re-set public hearing for February 1, 2006, to consider resolution adopting the San Joaquin County Regional Transportation Impact Fee and authorizing City Manager to execute Fee Program Operating Agreement” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-8 “Adopt resolution awarding contract for Water Meter Purchase to Hersey Water Meter Company, of Elk Grove (project est. \$70,000)”

Public Works Director Prima explained that staff is asking for approval to make a purchase for a pilot program to evaluate water consumption at individual customer levels. The cost of a water meter is \$300. If service has to be modified to accept a meter it will cost over \$1,000.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously adopted Resolution No. 2006-05 awarding the contract for Water Meter Purchase to Hersey Water Meter Company, of Elk Grove, at an estimated cost of \$70,000.

- E-10 “Re-set public hearing for February 1, 2006, to consider resolution adopting the San Joaquin County Regional Transportation Impact Fee and authorizing City Manager to execute Fee Program Operating Agreement”

Council Member Hansen asked staff to ensure that no fees are lost due to the public hearing delay.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously reset the public hearing for February 1, 2006, to consider resolution adopting the San Joaquin County Regional Transportation Impact Fee and authorizing the City Manager to execute Fee Program Operating Agreement.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen mentioned that homes are needed for Wall Dog artists to stay during the Memorial Day weekend event and asked interested persons to contact Tony Segale or the City Clerk's Office if they would like to host an artist. Mr. Hansen withdrew his previous request to agendize the issue of whether or not to consider the sale of the Electric Utility, as he felt it was no longer a viable issue.
- Mayor Pro Tempore Johnson reported that a recent newspaper article mentioned that large subdivision developers are sometimes required to develop infill lots within a city as part of their agreement. He asked that Community Development Director Hatch discuss this concept with the City Manager and City Attorney and, if feasible, bring it back to Council for consideration at a future date. Mr. Johnson recalled that in July 2005 a presentation was given to Council by the Parks and Recreation Department on the topic of an alternative work program and it was tabled for further review. He asked that the matter be brought back for Council's consideration. He encouraged citizens to apply for the Grape Bowl Ad Hoc Committee.
- Council Member Mounce expressed support for the concept of requiring developers to do infill projects as part of their agreement, especially if they were located in the older sections of the City.
- Mayor Hitchcock complimented Wanda Woock-Bechthold of Jessie's Grove Winery for the excellent photo display she created of Lodi's wine history for the Carnegie Forum. Ms. Hitchcock reported that she received an email communication from a disabled citizen who complained of having to wait in a long line at the Finance Department to obtain a dog license and she asked the City Manager to look into the matter.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

None.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider:
- a) Adoption of Ordinance No. 1768 entitled, "An Ordinance of the City Council of the City of Lodi amending Lodi Municipal Code relating to the establishment of wastewater development impact fees by amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, "Sewer Service," by repealing and reenacting Sections 13.12.020 (5) and (45), 13.12.180 (A), and 13.12.190; and further amending Title 15 – Buildings and Construction – Chapter 15.64, "Development Impact Mitigation Fees," by amending Section 15.64.010 – adding new paragraph "F" and relettering paragraphs (G) and (H) – repealing and reenacting Sections 15.64.030 (A) and 15.64.040, amending Section 15.64.060 – adding paragraph "C" – and repealing and reenacting Section 15.64.070 (B)"; and
  - b) Adoption of resolution approving Wastewater Capacity Impact Fee and "High Strength Users" service fees.

Public Works Director Prima reported that the City has had a capacity fee in place for many years that is charged to new development for buying into the treatment plant capacity. He noted that the citizens of Lodi, through the wastewater rates, have invested and borrowed money to expand the plant and keep it up to current State standards. Currently, Lodi is in the middle of a three-phase project to improve the plant to 8.5 million gallons a day capacity. Staff recommends that fees be increased to account for the additional costs. The current cost now in the City's capacity fee is \$2,099 per sewage service unit, which is the equivalent of a two-bedroom home. In addition to the capacity fee, there is wastewater impact fee of approximately \$100 per dwelling unit that is collected with other impact fees to pay for in-town improvements related to the Wastewater Utility. Staff recommends that the two fees be combined and collected at the building permit stage to simplify administration and make it easier for the development community. The proposed fees will be \$5,115 for a two-bedroom home and \$6,400 for a three-bedroom home. Mr. Prima noted that the basis for the cost is from a fee study conducted by Hilton Farnkopf & Hobson, which has been presented to Council on a "blue sheet" (filed). A large part of the cost is related to debt service for improvements that were made in the past. Costs for the final phase of the project were also included. Lodi has eight large industries that have high flow or high strength wastewater. Staff recommends the monthly service charge for high strength users be changed through a separate resolution. He noted that public art is a part of the City's development fee program. The policy calls for 2% of revenue to be placed into public art; however, it was not included in the proposed fees. The staff report for this item includes amounts for 2% or 1% if Council chose to include it. He reiterated that half of the fee is based on the cost of debt service for projects already completed and half is for future projects, so half the amount of the policy (i.e. 1%) may be an appropriate amount to contribute to the art fund.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

Council Member Hansen supported the option of including 1% for public art.

Council Members Beckman and Mounce agreed with Mr. Hansen.

Mayor Pro Tempore Johnson preferred that 2% go toward public art because that is the amount set by the policy.

Mayor Hitchcock agreed with Mr. Johnson and commented that the current policy is not funded, it sets money aside.

City Attorney Schwabauer stated that there has to be a connection between the exaction and the need that the exaction is being charged to fill, i.e. the development requires a need for the existence of public art and, as the community grows, new public art needs to be funded. Mr. Schwabauer believed that, legally, art meets that standard and there is a nexus.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hansen second, took the following actions by the vote shown below:

Ayes: Council Members – Beckman, Hansen, and Mounce  
Noes: Council Members – Johnson and Mayor Hitchcock  
Absent: Council Members – None  
Abstain: Council Members – None

- Following reading of the title of Ordinance No. 1768 entitled, "An Ordinance of the City Council of the City of Lodi amending Lodi Municipal Code relating to the establishment of wastewater development impact fees by amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, 'Sewer Service,' by repealing and reenacting Sections 13.12.020 (5) and (45), 13.12.180 (A), and 13.12.190; and further amending Title 15 – Buildings and Construction – Chapter 15.64, 'Development Impact Mitigation Fees,' by amending Section 15.64.10 – adding new paragraph (F) and relettering paragraphs (G) and (H) – repealing and reenacting Sections 15.64.030 (A) and 15.64.040, amending Section 15.64.060 – adding paragraph (C) – and repealing and reenacting Section 15.64.070 (B)," having been introduced at a regular meeting of the Lodi City Council held December 21, 2005, waived reading of the ordinance in full and adopted and ordered it to print;
- Adopted Resolution No. 2006-06 approving the Wastewater Capacity Impact Fees (with a 1% Public Art fee); and
- Adopted Resolution No. 2006-07 approving the Wastewater Capacity "High Strength Users" service fees.

I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider adoption of resolution levying annual (2006) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2005-06 Annual Report.

City Manager King explained that this is a combined public hearing/protest hearing dealing with the levy of an assessment to benefit Lodi Business Improvement Area No. 1. At the December 21 City Council meeting, the Downtown Lodi Business Partnership (DLBP) Annual Report was accepted and the public hearing scheduled. Mr. King stated that if greater than 50% of the represented assessment value is submitted in opposition of this assessment, it would fail.

Chuck Easterling, President of the DLBP, noted that the Annual Report it introduced on December 21 included a Special Events Policy. On January 2, the DLBP adopted some changes to the cover page, which was included in a 16-page packet distributed to Council this evening (filed). The DLBP also elected not to attempt a change in assessment or boundary line adjustment at this time. It was felt that such an attempt would disrupt the current momentum of the DLBP and cause conflict among its members. Mr. Easterling stated that inequities would be considered and solutions found to address them. In order to increase revenue, the DLBP is implementing a new policy of prorating the assessment fee from the time a new business obtains a business license. In addition, the DLBP plans to raise revenue from volunteer membership of large businesses that benefit from the downtown. Mr. Easterling promised that events would be bigger and better and wine products would be introduced into the Farmers Market.

Council Member Beckman disclosed that he spoke with Mr. Easterling prior to the meeting regarding the DLBP's decision not to address assessment and boundary inequities at this time. Mr. Beckman stated that he would support adoption of the resolution tonight and allow the DLBP another year to make improvements, though he expressed continued concerns. He suggested that, next year, perhaps it should be considered to make a fundamental change to the entire structure of the DLBP.

Council Member Hansen also disclosed that he had spoken with Mr. Easterling prior to the meeting and stated that he supported the DLBP's recommendation.

Council Member Mounce recommended that the DLBP use a certified public accountant that specializes in audits. She supported the DLBP's Annual Report as submitted.

Mayor Pro Tempore Johnson recalled that the Business Improvement Area's boundaries were approved by Council. He expressed support for the DLBP's operation and continued assessment of the BIA as presented.

Mayor Hitchcock disclosed that she spoke with Mr. Easterling earlier today. In response to Mr. Johnson, she pointed out that the downtown area has changed significantly since the boundaries were set. Ms. Hitchcock stated that equity issues have been discussed repeatedly over the years and should be addressed before fees are increased in other areas (e.g. Special Events Policy). Ms. Hitchcock stated that she would vote against this matter, though she was supportive of the downtown and its merchants.

#### Hearing Opened to the Public

Mr. Easterling reported that, in the new fee assessment schedule, the theater voluntarily paid a higher assessment of \$400. He did not feel it would be prudent at this time to increase assessments for businesses on Elm Street, noting that there have been occupancy difficulties in that area. Mr. Easterling stated the DLBP's bylaws allow for non-voting voluntary members. He felt it would be within the DLBP's authority to change classifications within the boundaries of the BIA if inequities exist. Another option would be to ask businesses to voluntarily make a larger contribution equivalent to the marketing benefit they receive.

- Joseph Bantam stated that he was opening a business on Pine Street named Sierra Adventure Outfitters. He chose the downtown area because of the atmosphere and advertising benefits. He felt that the DLBP was working well and asked Council not to make any changes at this time.
- Maureen Williams stated that she was one of the owners of Mojo's on Sacramento Street. She noted that all promotional events are held on School Street and felt that more progress and revitalization efforts are needed on Sacramento Street.
- Clay Sayler stated that he was on the DLBP Board and operated a business on Sacramento Street. Mr. Sayler stated that his business was in Zone B and he would be willing to pay a higher assessment for the benefit he receives. He too felt that more improvements needed to be made on Sacramento Street and that the parking structure retail space should be leased, as it has now been vacant for an extended period of time. He thanked all the downtown merchants for working together and the Council for its support of the DLBP.

#### Public Portion of Hearing Closed

City Clerk Blackston reported that no written protests to the assessment had been received.

In response to Mr. Easterling, City Manager King explained that any changes to the boundaries and assessment amount is done by a protest provision, it does not require a two-thirds vote. If less than 50% of the value of assessment is represented, the change can be made; and if greater than 50%, it would stop the process. It is an assessment that is based, theoretically, on the value of the service being received from the BID. BIDs are a partnership between the private and public sectors. They were intended to allow downtown businesses an equal footing to compete against regional malls. The governance regarding how the assessment money should be spent is turned over to the business owners in the BIA. The City uses its police powers to enforce the assessment. Mr. King stated that the DLBP could vote to change the level of assessment by making it part of the Annual Report. In that case, if Council accepted the Annual Report with the increased assessments, it would become part of the protest hearing.

Council Member Hansen asked that Council be given periodic updates on the progress of leasing the retail space in the parking garage. He suggested that if the space was not leased within the next three to six months that another course of action should be considered. He asked that this matter be placed on a future Council agenda for discussion.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Hansen second, adopted Resolution No. 2006-08 levying annual (2006) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2005-06 Annual Report. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mounce

Noes: Council Members – Mayor Hitchcock

Absent: Council Members – None

RECESS

At 9:52 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 10:03 p.m. Further, it was the consensus of the City Council to postpone agenda Items K-5, K-6, and K-8.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hansen, Mounce second, unanimously made the following appointments:

Senior Citizens Commission

Winona Ellwein Term to expire December 31, 2009

Phyllis Rabusin Term to expire December 31, 2009

Site Plan and Architectural Review Committee

Mitchell Slater Term to expire January 1, 2010

San Joaquin County Mosquito and Vector Control

Jack Fiori Term to expire December 31, 2007

- b) The City Council, on motion of Council Member Beckman, Mounce second, unanimously directed the City Clerk to post for the following vacancy:

Lodi Animal Shelter Task Force

Linda Hansen Unspecified term limit

Mayor Hitchcock thanked Ms. Hansen for her dedication and love of animals.

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 "Discuss and select project nominations for San Joaquin Council of Governments' One Voice trip"

City Manager King mentioned that a meeting has been scheduled with Congressman Pombo to discuss Lodi's needs and appropriation requests. As discussion proceeds regarding the One Voice trip priorities, it would be helpful to staff if Council could articulate what projects should also be brought to Congressman Pombo's attention.



Public Works Director Prima explained that the One Voice project is an effort by the San Joaquin Council of Governments (SJCOG), elected officials, staff, and the business community to band together in Washington D.C. to seek federal funding for projects important to the region. SJCOG has asked that cities select one regional and one local transportation project, or a local non-transportation project. SJCOG will be recommending to its Board the Arch/Sperry Road improvement project and Neighboring Landowner Protection issue as part of the San Joaquin Multi-Species Habitat Conservation Program. He reviewed the following projects for Council's consideration:

- Police/Fire Training Facility
- Highway 99 and Highway 12 interchange improvements
- Other Highway 99 interchange improvements
- Lockeford Street Widening
- Lodi Avenue Improvements
- Municipal Service Center (MSC) Vehicle Maintenance Facility

Andrew Chesley, SJCOG Executive Director, reported that SJCOG has coordinated the One Voice trip for the past six years. The Board has adopted rules and criteria for project selection.

In answer to Council Member Hansen, Mr. Chesley believed that the Highway 99/12 interchange project would be considered favorably for funding. From a Homeland Security perspective, the Police/Fire Training Facility would be a good project. Transit projects do well in obtaining earmarked money. Projects that persevere and are brought back repeatedly also do well. Mr. Chesley recommended that whatever project Lodi chooses should be a true priority.

Mayor Pro Tempore Johnson felt that the Police/Fire Training Facility was not appropriate for the One Voice trip, as it is unrelated to transit. He suggested that perhaps it could be mentioned to Congressman Pombo. He recalled reading recently that Homeland Security funds would be directed to locations most likely to be targeted by terrorists. He favored selecting the Highway 99/12 interchange project.

Council Member Beckman also expressed support for the Highway 99/12 interchange project.

Council Member Hansen recommended that the Highway 99/12 interchange project be selected as tier one and the MSC Vehicle Maintenance Facility be selected as a tier-two project. He suggested mentioning the Police/Fire Training Facility to Congressman Pombo.

Mayor Hitchcock believed that the Police/Fire Training Facility would have voter appeal. In addition, she suggested that greenbelt funding be sought to procure easements.

Council Member Mounce expressed agreement with Ms. Hitchcock.

PUBLIC COMMENTS:

- Ann Cerney pointed out that building highways and roads opens up areas for more development and creates congestion. The City should focus on what is desired for the long term.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Johnson second, selected the following project nominations for the San Joaquin Council of Governments' One Voice trip by the vote shown below:

Ayes: Council Members – Beckman, Hansen, and Johnson

Noes: Council Members – Mounce and Mayor Hitchcock

Absent: Council Members – None

Tier 1 project: Highway 99/12 Interchange Improvements

Tier 2 project: Municipal Service Center Vehicle Maintenance Facility

NOTE: The remaining items were discussed and acted upon out of order.

- K-3 "Receive update on status of the Community Separator/Greenbelt Task Force and provide input to staff regarding future direction of the Task Force"

Lynette Dias, Contract Planner with the firm LSA, explained that this item was before Council at the request of the Greenbelt Task Force to update Council on its progress and to request that Council consider approving consultant funding to provide the Task Force with additional information related to economic and fiscal implications of implementing a greenbelt community separator. Ms. Dias reported that the Greenbelt Task Force was established in December 2003. It originally consisted of 19 members and now has 17. The Task Force has met 16 times. Late in 2004, staff presented the Task Force with a draft implementation program. Several affected property owners expressed opposition to the draft program. In response, the Task Force requested that the property owners develop a program that would meet their needs and the objective of the City to create a greenbelt community separator. The property owners are expected to make a presentation to the Task Force at its January 17 meeting.

Ms. Dias reported that the Task Force has identified a target area of one half mile north and south of Armstrong Road between Highway 99 and Interstate 5. The program would allow continuation of agricultural uses currently provided in the County zoning ordinance for agricultural designations. It would allow for development of a limited number of homes. It would provide for one credit per ten acres of ownership prorated to actual parcel size upon program adoption. A second credit would be issued in the same manner as the first credit after the program had been in effect for 20 years. The credits would need to be utilized within the target area. The residential parcel size permitted would be one acre or one-half acre. The City would revise its right to farm ordinance as recommended by the farming community. The program would provide for limited public improvements that would retain and promote the rural setting of the area. The entire target area would be annexed into the City and it would provide water and wastewater service along Armstrong Road. The property owners would need to vote and approve the program.

Mayor Hitchcock further explained that if property owners sold a credit they would receive the amount of what ten acres could sell for today and they would maintain control of 90% of their property. It is proposed that in 20 years they could issue a second credit, though there is not consensus yet by the Task Force on that concept.

Ms. Dias reviewed exhibits 1 through 9, which described various scenarios (filed). She noted that the Task Force has questions related to the economic and fiscal impacts of the program, and without conducting these studies, the Task Force felt challenged to develop the program further. Ms. Dias outlined three options for Council to consider:

- 1) End Task Force discussions and incorporate a Greenbelt program into the upcoming General Plan update.
- 2) Suspend Task Force deliberations and direct staff to hire a fiscal and economic consultant to prepare a study on the cost implications of extending public services to

the target area and the value of a credit. Task Force deliberations would resume after the fiscal study was complete.

- 3) Continue Task Force deliberations, including establishing more detailed requirements for the Greenbelt study area to be included in a Specific Plan for the target area, which could be incorporated into the General Plan update.

Council Member Beckman preferred option two in addition to studying the possibility of the County rezoning the area AL10 or AL5, or the City annexing the property and zoning it AL10 or AL5.

Mayor Hitchcock and Council Member Mounce expressed support for option three.

In response to Council Member Hansen, Ms. Dias acknowledged that it would not be a simple matter to ensure the greenbelt was not changed in the future; however, through deed restrictions and requiring that an agreement be entered into when credits are issued, would make the program very difficult to change.

Council Member Hansen and Mayor Pro Tempore Johnson emphasized that they did not want this process to hinder or delay the General Plan update.

Mayor Hitchcock stated that she expected this matter would be completed prior to the General Plan update, so incorporating it into the Plan would not slow the process down.

In reply to Mayor Pro Tempore Johnson, Ms. Dias estimated the cost for a fiscal and economic analysis would range between \$50,000 to \$100,000.

City Manager King commented that the cost for a consultant to conduct the analysis would come from funding designated for the General Plan update.

Community Development Director Hatch recommended a combination of options two and three. He agreed that a fiscal and economic study needs to be done. He suggested that the General Plan update and greenbelt matter continue to move forward on parallel tracks and join at the conclusion of the processes.

#### PUBLIC COMMENTS:

- William Ackel felt that the greenbelt proposals as outlined were “a disaster in the making.” He stated that the parcels in the area were already very small to be viable vineyards and further reduction on the size of the vineyards would spell the end of the winegrape industry in the area. He believed that a generation from now, no one would even conceive of building in the area. He felt that for Lodi and Stockton to merge into one city would be a kind of “cultural suicide” for Lodi. He could not imagine how the General Plan update could be done without addressing the greenbelt issue. He was opposed to the idea of funding a study to bring utilities into the area, as a decision has not yet been made that it is an objective. He commented that if one is headed in the wrong direction, finding out how much it would cost to get there would not be a productive course of action. A greenbelt exists now, so the issue at stake is preservation. He pointed out that property values increase where the supply is restricted and the quality of life is maintained. He did not see a future for Lodi without agriculture or the wine industry. Increasing wine tourism is essential to building Lodi’s wine industry. The right to farm cannot be sustained in the area unless the majority of people who live there are farmers. Constructing houses in the middle of a vineyard makes it that much less viable. He felt that the scenarios presented relegate the role of farmers to providing ambiance for million dollar estates. Property owners in the area purchased land that was zoned AG 40, and Mr. Ackel felt it should remain unchanged.

- Ann Cerney agreed that the greenbelt issue was essential to Lodi's General Plan. She commented that members of the Task Force are making a significant donation to the community by working on this matter.
- Joe Peterson stated that he grows winegrapes and cherries on his property. He asked why a landowner would agree to give up their development right if agriculture is barely viable in the area today.
- Chuck Easterling believed it was vital for the success of the greenbelt proposal to determine an economic future benefit of the property. He reported that "Wildlands" is an organization involved in conservation easements for habitat preservation and suggested that it be looked into as a tool to preserve the greenbelt. In addition, he stated that Title 12 money is set aside for establishing greenbelts.

City Attorney Schwabauer stated that there is an assumption that farmers have a development right; however, they do not. They have AG 40 zoned property and the governmental entity that has jurisdiction over them has the right to maintain the zone in perpetuity. There is the potential of Stockton moving north and annexing the property for the purpose of development; however, that is not a definable right that someone has an obligation to buy from them.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously voted to continue Community Separator/Greenbelt Task Force deliberations, including establishing more detailed requirements for the Greenbelt study area to be included in a Specific Plan for the target area, which could be incorporated into the General Plan update, and further adopted Resolution No. 2006-09 authorizing the City Manager to prepare a Request for Proposal for Council review and report on what additional data would be achieved and how it would benefit the process, and appropriating up to \$50,000.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Hansen, Mounce second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour (with the exception of agenda Items K-5, K-6, and K-8 as determined earlier). The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – Beckman

Absent: Council Members – None

K. REGULAR CALENDAR (Continued)

- K-4 "Authorize staff to release Request for Proposal for professional consulting services to: 1) update Lodi's 1991 General Plan, 2) complete a new Traffic Model, and 3) update the existing Parks and Recreation Master Plan"

City Manager King requested authorization to solicit for consultant services.

Mayor Pro Tempore Johnson recalled that it has still not been decided whether or not the City Council will hold joint meetings with the Planning Commission for matters related to the General Plan update.

Council Member Hansen asked that it be made clear there is a set dollar amount for consultant services and it is not considered open ended.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Hansen second, unanimously authorized staff to release RFP for professional consulting services to: 1) update Lodi's 1991 General Plan, 2) complete a new Traffic Model, and 3) update the existing Parks and Recreation Master Plan.

- K-7 "Adopt resolution approving the extension of an amended Memorandum of Understanding between the City of Lodi and Local 1245 International Brotherhood of Electrical Workers, AFL-CIO"

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Hansen second, adopted Resolution No. 2006-10 approving the extension of an amended MOU between the City of Lodi and Local 1245 IBEW, AFL-CIO. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Mounce, and Mayor Hitchcock

Noes: Council Members – Johnson

Absent: Council Members – None

- K-2 "Adopt resolution ratifying employment agreement entered into between City Manager Blair King and Electric Utility Director"

City Manager King announced that he selected George Morrow to be the City's Electric Utility Director. He asked Council to approve a two-year contract agreement, which includes a provision for six months severance pay. In addition, he asked Council to increase the cost control point for the position of Electric Utility Director to \$140,000. Mr. King requested authority to enter into the contract for a 12-month period at \$144,000 annually and upon his discretion to increase the salary 7% after 12 months.

Council Member Mounce explained that she would not support the request, due to the six month severance pay provision.

Mayor Hitchcock expressed concern that two-year contract agreements would be looked at negatively by potential employees and they would not apply. Ms. Hitchcock stated that she would vote in favor of the request, however, to show support for Mr. Morrow.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hansen second, adopted Resolution No. 2006-11 ratifying the employment agreement entered into between City Manager Blair King and Electric Utility Director, George Morrow, and establishing a new control point for the Electric Utility Director of \$140,386. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Mounce

Absent: Council Members – None

- K-5 "Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by adding Chapter 12.03, 'Sidewalks,' to place sidewalk maintenance responsibilities and liability on the adjoining property owner as permitted under state law" was ***pulled from the agenda.***
- K-6 "Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by adding Article VI, 'Waterfowl and Migratory Birds,' to prohibit the feeding of any waterfowl or migratory birds in any public park or on any public lake" was ***pulled from the agenda.***
- K-8 "Provide preliminary and non-binding policy direction regarding electric rate design/structure for future adjustment to base rates by transferring rates from Market Cost Adjustment charges to Base Rate charges, i.e. 'Truing up the Electric Rates'" was ***pulled from the agenda.***

L. ORDINANCES

- L-1 NOTE: Due to a potential conflict of interest relating to his employment with the Building Industry Association of the Delta, Council Member Beckman abstained from discussion and voting on this matter and vacated his seat at dais.

Following reading of the title of Ordinance No. 1767 entitled, "An Ordinance of the City Council of the City of Lodi amending Title 15, "Buildings and Construction," of the Lodi Municipal Code by Adding Chapter 15.65 Relating to the Establishment of the San Joaquin County Regional Transportation Impact Fee Program," having been introduced at a regular meeting of the Lodi City Council held December 21, 2005, the City Council, on motion of Council Member Hansen, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – Beckman

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:30 a.m., Thursday, January 5, 2006.

ATTEST:

Susan J. Blackston  
City Clerk